

Modified by CAHO (9/9/88) Ref. No. 27

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

United States of America, Complainant. v. Coastal Transportation, Inc. Respondent; 8 U.S.C. Section 1324a Proceeding; Case No. 88-100023.

DECISION AND ORDER

On March 22, 1988, a Complaint Regarding Unlawful Employment, herein called the Complaint, was filed against Coastal Transportation, Inc., herein called the Respondent, by the United States of America, herein called the Complainant, pursuant to 8 U.S.C. Section 1234a. Attached thereto and incorporated therein is a Notice of Intent to Fine, herein called the Notice, which had previously been served upon Respondent, by mail, on March 3, 1988. A Notice of Hearing issued on March 30, 1988, setting this matter for hearing in Seattle, Washington, on June 28, 29 and 30 and July 1, 1988. On June 24, 1988, the hearing herein was postponed indefinitely pending settlement.

The complaint alleges, as set forth in the Notice, that, in violation of Section 274A(a)(1)(B) of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, herein called the Act, Respondent:

(1) Failed to prepare the Employment Eligibility Verification Forms (I-9) for two employees hired in June and August 1987.

(2) Failed to properly complete Section 1 ('`Employee Information and Verification'') and/or Section 2 ('`Employee Review and Verification') on the Employment Eligibility Verification Form (Form I-9) for three employees in June 1987, for two employees in August 1987, for one employee in October 1987, for one employee in November 1987, and for one employee in December 1987.

Further, the Complaint requests that an Order issue directing Respondent to cease and desist from said violations and pay a fine for each of the alleged violations as specified in the Notice.

On August 18, 1988, Complainant and Respondent submitted a Settlement Agreement signed by both parties. Upon a full consideration of said Settlement Agreement, I find that it complies with

the requirements of subsection 68.10(b) of the Interim Final Rules of Practice and Procedure ¹ and fully disposes of the allegations of the Complaint by providing that Respondent cease and desist from any further violations of Section 274A of the Act and pay the compromise sum set forth therein as full settlement and satisfaction of any and all claims set forth in the Notice. I further find it unnecessary to conduct a hearing to determine the fairness of the agreement.²

Accordingly, the provisions of the Settlement Agreement are accepted as the Consent Findings herein, said Agreement is hereby approved and incorporated herein, the hearing and all prehearing matters previously scheduled are hereby cancelled, and it is hereby ORDERED that Respondent pay the amount stated in the Consent Findings, and all other relief agreed to in the Consent Findings is hereby granted, provided that the Chief Administrative Hearing Officer does not vacate or modify this order pursuant to Section 68.52 of the Rules. IT IS FURTHER ORDERED that this Decision and Order shall have the same force and effect as a Decision And Order issued after a full evidentiary hearing.

Dated: August 24, 1988

EARLDEAN V.S. ROBBINS
Administrative Law Judge

¹52 Fed. Reg. PP. 44971, 44976, November 24, 1987, pp. 44973-44985 (to be codified at 28 C.F.R. Part 68).

²See, subsection 68.10(d) of the Interim Final Rules of Practice And Procedure, supra.